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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

KASEY D. ALVES,  
Plaintiff,

VERSUS

CIVIL ACTION

NO. 1:06cv912LGJMR

HARRISON COUNTY, MISSISSIPPI, BY  
AND THROUGH THE BOARD OF SUPERVISORS;  
HARRISON COUNTY SHERIFF'S DEPARTMENT;  
SHERIFF GEORGE PAYNE, JR.; AND HEALTH  
ASSURANCE, LLC.  
Defendants.

DEPOSITION OF KASEY DION ALVES

Taken in the Offices of Woodrow W. Pringle,  
III, Esquire, 2217 Pass Road, Gulfport,  
Mississippi, on Tuesday, February 26, 2008,  
beginning at 9:30 a.m.

APPEARANCES:

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ATTORNEY FOR HARRISON COUNTY SHERIFF'S  
DEPARTMENT AND SHERIFF GEORGE PAYNE, JR.



1 Q. Do you carry a pocket knife?

2 A. Yes.

3 Q. Always?

4 A. Not always.

5 Q. Were you carrying one that evening?

6 A. Yes.

7 Q. And where was it located?

8 A. I'd say my left pocket. Left rear  
9 pocket. I'm sorry.

10 Q. What kind of pocket knife was it?

11 A. A fold-out.

12 Q. One blade or several blades?

13 A. One blade.

14 Q. How big was it?

15 A. Maybe about six inches.

16 Q. Whenever you were first, as you call it,  
17 attacked by Officer Teel, did you resist?

18 A. No.

19 Q. You didn't resist in any way?

20 A. No.

21 Q. Do you remember not resisting, or could  
22 you have resisted and just don't recall?

23 A. No, I didn't.

24 Q. You did not resist, okay. Did you think  
25 that Officer Teel was justified in doing what he was

1 A. In my mouth.

2 Q. Do you know how many times?

3 A. Two I know of for sure.

4 Q. And you don't recall whether this was in  
5 response to you not complying with an officer's  
6 commands?

7 MR. PRINGLE:

8 Object to the form.

9 THE WITNESS:

10 Rephrase it. I mean, re-ask the  
11 question. I'm sorry.

12 BY MR. TINER:

13 Q. You don't recall whether or not you  
14 were, as you articulated, being attacked because you  
15 were not complying with an officer's command? All  
16 you know is that you were being attacked?

17 A. Yes.

18 Q. Did you hear any officer say anything to  
19 you during that time?

20 A. During the time of the attack?

21 Q. Yes, sir.

22 A. Yes.

23 Q. What did they say?

24 A. "I can take you in one of these rooms in  
25 here and kill you and wouldn't nobody know."

1 doing to you at that time?

2 A. No.

3 Q. Were you cussing at all?

4 A. Not that I can recall.

5 Q. You don't recall because it didn't  
6 happen, or you just don't recall?

7 A. I just don't recall.

8 Q. Do you ever recall hearing any commands  
9 from any officer at that time?

10 A. No.

11 Q. Did you ever spit?

12 A. No.

13 Q. You didn't spit?

14 A. No.

15 Q. You don't ever recall anyone asking you  
16 to stop spitting?

17 A. No.

18 Q. But they did place a mask over your face?

19 A. A sheet.

20 Q. A sheet?

21 A. A sheet.

22 Q. Okay. What kind of sheet was it?

23 A. A white sheet.

24 Q. And why did they do that?

25 A. I don't know.

1 Q. Did you ever kick an officer at that  
2 time, whenever you were being restrained?

3 A. No.

4 Q. This is kind of an opinion question. Do  
5 you believe that a reasonable amount of force is  
6 justified when an inmate is not responding to an  
7 officer's command?

8 MR. PRINGLE:

9 Object to the form. Don't answer it.  
10 It's a legal question. You don't have to answer  
11 that.

12 MR. TINER:

13 It's an opinion question.

14 MR. PRINGLE:

15 He's not answering.

16 BY MR. TINER:

17 Q. So you have no opinion about reasonable  
18 force?

19 MR. PRINGLE:

20 He's not answering that question. He's  
21 not answering no matter how many ways you ask it.

22 BY MR. TINER:

23 Q. All right. So from the initial moment of  
24 being restrained, what happened after Mr. Teel did  
25 the initial--

1 Q. And how were you restrained in the chair,  
2 if you recall?

3 A. I was placed in a-- a vest-type-- some  
4 type of vest, placed in a chair, and strapped in  
5 with straps.

6 Q. Where were the straps located?

7 A. From my shoulders, down to my ankles, and  
8 my-- my thighs, thigh area.

9 Q. Do you recall how many straps there  
10 were?

11 A. No, no.

12 Q. Were you restrained in your arms and  
13 wrists?

14 A. Yes, yes.

15 Q. And your ankles?

16 A. Yes.

17 Q. At any time during that process, did  
18 you complain that the straps were too tight?

19 A. Yes.

20 Q. Did you do that immediately or  
21 afterwards?

22 A. Immediately.

23 Q. Who did you say that to?

24 A. Whoever was listening.

25 Q. Did you say that to Officer Teel?

1 A. Thirty minutes.

2 Q. So then somebody came back and removed  
3 it?

4 A. Yes.

5 Q. Who did that; do you recall?

6 A. I don't know.

7 Q. All right. What happened after the sheet  
8 was removed?

9 A. Basically, I sat in the holding cell, sat  
10 in the holding cell for hours.

11 Q. Could you see people outside the--

12 A. Yes, yes.

13 Q. -- holding cell?

14 A. Yes.

15 Q. Did you say anything whenever you had the  
16 sheet over your face? Were you talking?

17 A. Not that I can recall.

18 Q. So you sat for hours, and people were  
19 passing by out in the booking area?

20 A. Yes.

21 Q. And did you try to summons anyone to come  
22 in?

23 A. Yes.

24 Q. How many times did you do that?

25 A. Actually, the whole night that I was in

1 the chair, off and on.

2 Q. And how did you do that? Did you say,  
3 "Please help," or did you yell out pretty loudly  
4 or--

5 A. Yelled out: "Please help me. Please  
6 loosen the straps."

7 Q. Were you cussing at all?

8 A. "Please check on me."

9 Q. Were you cussing at all?

10 A. No.

11 Q. Did anybody ever come check on your  
12 restraints?

13 A. No.

14 Q. And do you know how long a period of time  
15 it was that you were in the restraint chair?

16 A. I'd say eight hours.

17 Q. Did you know that at the time, or do you  
18 know that--

19 A. No, not at the time.

20 Q. Okay. At any time during that period of  
21 time, did an officer come check on you or any  
22 personnel from the jail?

23 A. Not that I can recall.

24 Q. Did a nurse ever come check on your  
25 restraints?